IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3669 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

and

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UNITED INDIA INSURANCE CO.LTD.

Versus

BHARAT HATHIBHAI HIRANI

Appearance:

MR PV NANAVATI for Petitioner

MR MTM HAKIM for Respondent No. 1

Respondent No. 2, 3 served

CORAM : MR.JUSTICE A.R.DAVE

and

MR.JUSTICE J.R.VORA

Date of decision: 24/04/2001

ORAL JUDGEMENT (Per : MR.JUSTICE A.R.DAVE)

1. Heard learned Advocate Shri Vibhuti Nanavati for the appellant and learned advocate Shri MTM Hakim for respondent No.1 - original claimant.

2. At the time of hearing of this Appeal, learned advocates have submitted that the dispute amongst the parties has been settled out of the court and as per the settlement which has been arrived at amongst the parties, it has been decided that the appellant would pay a sum of Rs. 9,50,000/- to the respondent claimant. Out of the said amount, so far as Rs.7 lacs are concerned, interest at the rate of 12% + proportionate costs shall be paid on the said amount from the date of the filing of the claim petition till the date of realisation. Whereas no amount of interest or proportionate costs shall be paid on the remaining amount of Rs. 2,50,000/-.

3. Learned Advocate Mr.V.P.Nanavati has submitted that a portion of the amount has already been deposited with the Tribunal and the remaining amount shall be deposited within six weeks from today. The amount which has been deposited with this Court shall be transmitted to the Tribunal forthwith. The entire amount shall be paid to the respondent - claimant by an account payee cheque.

4. The Appeal is allowed to the above extent with no order as to costs and the Award is ordered to be modified accordingly.

(A.R. Dave, J.)

(J.R. Vora, J.)

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